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EXAMINER	
CHANKONG, DOHM	

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/767,964	MATSUMOTO, HIDEHIRO	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1> Applicant's amendment and remarks have been received and reviewed. Claims 26-29 have been added by Applicant. Claims 1-29 are presented for further examination.

Response to Amendment

2> The claim rejections under 35 U.S.C § 112 have been overcome by Applicant's amendment.

Response to Arguments

3> Applicant's arguments filed 7.8.2004 have been fully considered but they are not persuasive.

Applicant is arguing in substance that the prior art included in the Office Action failed to disclose the system or method as claimed; specifically Applicant's central point of contention is that the prior art, and Fujino and Kito in particular, both teach data transmission to a terminal and subsequent conversion of said data so as to be compatible with the parameters set by the terminal. Applicant argues that the claims of the present invention disclose that the information is in accordance with the set parameter at the point of extraction, and therefore, need not be converted to any particular desired form.

Examiner respectfully disagrees with this assertion. The claims merely disclose: a client setting a parameter, that the information request is generated by the gateway on the basis of the parameter, that the information retrieved from the server is requested by said information request, and that the information received in response to the information

request is temporarily stored before transferring said stored information to the client. Examiner does not see any clear and definitive claim language or limitations that suggest the information has to be in accordance with the parameter at the time of extraction and need not be converted before transmission to the client; rather, the claims simply state that the generation of the information request is based on the setting of the parameter.

Accordingly, Examiner maintains the rejections for claims 1-25 set forth in the previous Office Action.

Claim Rejections - 35 USC § 102

4> The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5> Claims 1, 6 and 29 are rejected under 35 U.S.C 102(e) as being anticipated by Fujino et al (hereinafter Fujino), U.S Patent No. 6,085, 222.

6> As to claim 1, Fujino teaches a communication system comprising:

a client, comprising a setting unit for setting a parameter and notification unit for notifying the parameter set by said setting unit (column 4, lines 1-20 where the priority level is a parameter of the client and which is transmitted, "notifying", the gateway);

a gateway apparatus, comprising an acquisition request unit for generating an information acquisition request on the basis of the parameter notified by said notification unit, a first information storage unit for temporarily storing information received in response to the information acquisition request generated by said acquisition request unit, and an information transfer unit for transferring the information stored in said first information storage unit to said client (column 4, lines 25-47 and column 5, line 45 to column 6, line 20); and

an information source server, comprising a second information storage unit for storing the information requested by said acquisition request unit, and an information transmission unit for transmitting the information stored in said second information storage unit to said gateway apparatus upon reception of the acquisition request (column 5, lines 38-44 and lines 63-66).

7> As to claim 6, Fujino teaches a system wherein the parameter comprises at least one of attribute information indicating a display capability and processing capability of said

client, attribute information indicating communication capabilities between said client and said gateway apparatus and between gateway apparatus and said server, and predetermined preference information designated by a user of said client (column 4, line 21 to column 5, line 38).

8> As to claim 29, Fujino discloses a communication method comprising:

setting a parameter for an agent whose creation has been requested by a client (column 4, lines 52-54 and);

generating an acquisition request on the basis of the set parameter (column 12, lines 47-50);

extracting only information for which the acquisition is generated (column 4, lines 55-64 where: the smaller image size based on the parameter is extracted from the larger image);

transferring the information to the client (column 4, lines 55-58).

Claim Rejections - 35 USC § 103

9> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10> Claims 2 and 10 are rejected under 35 U.S.C 103(a) as being unpatentable over Kito (hereinafter Kito), U.S Patent No. 5,946,464, in view of Lee, U.S Patent No. 6,542,506, in further view of applicant's admitted prior art (AAPA).

11> As to claim 2, Kito teaches a communication system comprising:

a client, comprising a creation request unit for requesting creation of an agent for information acquisition and notification unit for notifying of a parameter to be set in the agent created by said creation request unit (column 2, lines 33-34 and column 5, lines 21-31);

a gateway apparatus, comprising a first storage unit for storing the parameter for the agent, an agent for which a creation request is generated by said creation request unit, parameter setting unit for setting the parameter notified by said notification unit in the storage area, and an agent for generating an information acquisition request on the basis of the parameter set by said parameter setting unit, temporarily storing information in response to the information acquisition request, and transferring the information to said client (column 2, lines 35-52, column 3, lines 1-12 and column 5, lines 31-42 – where they agent server is the gateway apparatus); and

an information source server, comprising an information storage unit, connected to said gateway apparatus, for storing information for which an information acquisition request is generated by said agent in advance, and information transmission unit for transmitting the information stored in said information storage unit to said gateway apparatus upon reception of the information acquisition request (Figure 2, items 132, 131, 133, 134 and 254, column 8, lines 24-31 and claim 11(f) and (g)).

While Kito does teach a storing data in a predetermined storage area in said storage unit for each agent (column 5, lines 34-42) but does not teach a gateway apparatus with storage area reservation unit for reserving a predetermined storage area in said storage unit or that the gateway apparatus and the information source server are connected via a radio data communication network.

12> Lee teaches a gateway apparatus with storage area reservation unit for reserving a predetermined storage area in said first storage unit (column 5, lines 48-56 and line 65 to column 6, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a reservation unit in Kito's storage area so that the agents are guaranteed buffer space to temporarily store data.

13> Applicant's admitted prior art (hereinafter AAPA - Figure 1 and page 2, lines 2-14) teaches is it well known and expected in the art for the gateway apparatus to be connected to the information source server via a radio data communication network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's gateway apparatus to communicate via radio data to the server so they can communicate wirelessly.

14> Claim 10 is a method that performs the functions of the system of claim 2 and does not further limit or define the invention. Therefore, claim 10 is rejected for the reasons set forth in claim 2, supra.

15> Claims 3 and 11 are rejected under 35 U.S.C 103(a) as being unpatentable over Kito, Lee and AAPA as applied to claim 2 above, in further view of Dattatri, U.S Patent No. 6,658,453.

16> Kito does not teach a system wherein said client further comprises an operation stop instructing unit for generating an instruction to stop operation of said agent, and said gateway apparatus further comprises an agent stopping unit for stopping the operation of said agent when an operation stop instruction is generated by said operation stop instructing unit.

17> Dattatri teaches a system wherein said client further comprises operation stop instructing unit for generating an instruction to stop operation of said agent, and said gateway apparatus further comprises agent stopping unit for stopping the operation of said agent when an operation stop instruction is generated by said operation stop instructing unit(column 8, lines 8-14, lines 48-50 and column 13, lines 58-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the stop functionality in Kito's agent and gateway apparatus so the client has control over when to stop agent from operating.

18> Claim 11 is a method that performs the function of the system of claim 3 and does not further limit or define the invention. Therefore claim 11 is rejected for the reasons set forth in claim 3, supra.

19> Claims 4 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito, Lee and AAPA as applied to claim 2 above, in further view of Dattatri, in further view of Shostak, U.S Patent No. 5,913,029.

20> As to claim 4, Kito does not teach a system wherein said client further comprises a delete instructing unit for generating an instruction to delete said agent, and said gateway apparatus further comprises a storage area releasing unit for releasing a storage area reserved in said first storage unit in correspondence with a designated agent when the delete instruction is generated by said delete instructing unit.

21> Dattatri teaches a system wherein said client comprises delete instructing unit for generating an instruct to delete said agent (column 7, line 52 and 65 and column 8, lines 9-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include agent deleting capability in Kito to allow the client unit to remove the agent from the gateway apparatus.

22> Shostak teaches a system wherein said gateway apparatus comprises storage area releasing unit for releasing a storage area reserved in said storage unit in correspondence with a designated agent when the delete instruction is generated by said delete instructing unit (column 11, lines 7-15 and column 12, lines 20-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a storage area releasing

unit in Kito's gateway apparatus so when the agent is removed or deleted as signaled by the client, the memory can be allocated to another agent.

23> Claim 5 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito, Lee and AAPA as applied to claim 2 above, and Dattatri as applied to claim 3 above, in further view of Shostak.

24> As to claim 5, Kito does not teach a system wherein said client comprises further comprises a delete instructing unit for generating an instruct to delete said agent, and said gateway apparatus further comprises a storage area releasing unit for releasing a storage area reserved in said first storage unit in correspondence with a designated agent when the delete instruction is generated by said delete instructing unit.

25> Dattatri teaches a system wherein said client comprises delete instructing unit for generating an instruct to delete said agent (column 7, line 52 and 65 and column 8, lines 9-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include agent deleting capability in Kito to allow the client unit to remove the agent from the gateway apparatus.

26> Shostak teaches a system wherein said gateway apparatus comprises storage area releasing unit for releasing a storage area reserved in said storage unit in correspondence with a designated agent when the delete instruction is generated by said delete instructing unit

(column 11, lines 7-15 and column 12, lines 20-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a storage area releasing unit in Kito's gateway apparatus so when the agent is removed or deleted as signaled by the client, the memory can be allocated to another agent.

27> Claims 7 and 12 are rejected under 35 U.S.C 103(a) as being unpatentable over Kito, Lee and AAPA as applied to claim 2 above, in further view of Fujino.

28> Kito does not teach a system wherein the parameter comprises at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between said gateway apparatus and said server, and predetermined preference information designated by a user of said client.

29> Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between gateway apparatus and said server, and predetermined preference information designated by a user of said client (column 4, line 21 to column 5, line 38 and column 6, lines 27-38 and lines 51-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus

and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

30> Claim 12 is a method that performs the functions of the system of claim 7 and does not further limit or define the invention. Therefore claim 12 is rejected for the reasons set forth in claim 7, supra.

31> Claims 8 and 13 are rejected under 35 U.S.C 103(a) as being unpatentable over Kito, Lee and AAPA as applied to claim 2 above, and Dattatri, as applied to claims 3 above, in further view of Fujino.

32> Kito does not teach a system wherein the parameter comprise at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between said gateway apparatus and said server, and predetermined preference information designated by a user of said client.

33> Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between gateway apparatus and said server, and predetermined preference

information designated by a user of said client (column 4, line 21 to column 5, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

34> Claim 13 is a method that performs the functions of the system of claim 8 and does not further limit or define the invention. Therefore claim 13 is rejected for the reasons set forth in claim 8, supra.

35> Claim 9 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito, Lee, and AAPA as applied to claim 2 above, and Dattatri and Shostak as applied to claim 4 above, in further view of Fujino.

36> Kito does not teach a system wherein the parameter comprises at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between said gateway apparatus and said server, and predetermined preference information designated by a user of said client.

37> Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capabilities between said client and said gateway apparatus and between gateway apparatus and said server, and predetermined preference information designated by a user of said client (column 4, line 21 to column 5, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

38> Claim 14 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito, in view of Lee, in further view of AAPA.

39> Kito teaches a gateway apparatus comprising:

a storage unit for storing a parameter set for an agent (column 5, lines 31-42);

a parameter setting unit for setting the parameter (column 5, lines 31-42, where the trigger, filter, action information are the parameters);

an agent for generating an information acquisition request on the basis of the parameter set by said parameter setting unit, temporarily storing information received via a radio data communication network in accordance with the information acquisition request ,

and transferring the information to the request source which has generated the agent creation request (column 2, lines 38-52 and column 5, lines 34-42).

While Kito does teach a storing data in a predetermined storage area in said storage unit for each agent (column 5, lines 34-42) but does not teach a gateway apparatus with storage area reservation unit for reserving a predetermined storage area in said storage unit or that the gateway apparatus and the information source server are connected via a radio data communication network.

40> Lee teaches a gateway apparatus with storage area reservation unit for reserving a predetermined storage area in said storage unit (column 5, lines 48-56 and line 65 to column 6, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a reservation unit in Kito's storage area so that the agents are guaranteed buffer space to temporarily store data.

41> AAPA teaches is it well known and expected in the art for the gateway apparatus to be connected to the information source server via a radio data communication network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's gateway apparatus to communicate via radio data to the server so they can communicate wirelessly.

42> Claim 15 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee as applied to claim 14 above, in further view of Dattatri.

43> Kito does not teach an apparatus wherein when said agent is responsive to an operation stop instruction, for stopping operation of said agent.

44> Lee teaches an apparatus wherein when said agent is responsive to an operation stop instruction, for stopping operation of said agent. (column 8, lines 8-14, lines 48-50 and column 13, lines 58-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the stop functionality in Kito's gateway apparatus so the client has control over when to stop the agent from operating.

45> Claims 16 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee as applied to claim 14, and in further view of Shostak.

46> Kito does not teach an apparatus wherein when said agent is responsive to a delete instruction for releasing a storage area reserved in said storage unit in correspondence with a the agent.

47> Dattatri teaches an apparatus wherein said agent is responsive to a delete instruction (column 7, line 52 and 65 and column 8, lines 9-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include agent deleting capability in Kito to allow the client unit to remove the agent from the gateway apparatus.

48> Shostak teaches an apparatus wherein a storage area reserved in said storage unit is released in correspondence with the agent (column 11, lines 7-15 and column 12, lines 20-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a storage area releasing unit in Kito's apparatus so when the agent is removed or deleted as signaled by the client, the memory can be allocated to another agent.

49> Claim 17 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee as applied to claim 14 above, and Dattatri as applied to claim 15 above, in further view of Shostak.

50> Kito does not teach an apparatus wherein when said agent is responsive to a delete instruction for releasing a storage area reserved in said storage unit in correspondence with a the agent.

51> Dattatri teaches an apparatus wherein said agent is responsive to a delete instruction (column 7, line 52 and 65 and column 8, lines 9-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include agent deleting capability in Kito to allow the client unit to remove the agent from the gateway apparatus.

52> Shostak teaches an apparatus wherein a storage area reserved in said storage unit is released in correspondence with the agent (column 11, lines 7-15 and column 12, lines 20-31). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to include a storage area releasing unit in Kito's apparatus so when the agent is removed or deleted as signaled by the client, the memory can be allocated to another agent.

53> Claim 18 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee, in further view of Fujino.

54> Kito does not teach an apparatus wherein the parameter comprises at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and an information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source.

55> Fujino teaches a system wherein the parameter comprises at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source (column 4, line 21 to column 5, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's

parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

56> Claim 19 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee, as applied to claim 14 above, in view of Dattatri as applied to claim 15 above, in further view of Fujino.

57> Kito does not teach an apparatus wherein the parameter comprises at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source.

58> Fujino teaches a system wherein the parameter comprises at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has

generated the acquisition request, and predetermined preference information designated by a user of the request source (column 4, line 21 to column 5, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

59> Claim 20 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee, as applied to claim 14 above, in view of Dattatri and Shostak as applied to claim 16 above, in further view of Fujino.

60> Kito does not teach an apparatus wherein the parameter comprises at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source.

61> Fujino teaches a system wherein the parameter comprises at least one of attribute information indicating a display capability and processing capability of the request source

which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source (column 4, line 21 to column 5, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

62› Claim 21 is rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Lee, as applied to claim 14 above, in view of Dattatri as applied to claim 15 above and in view of Shostak as applied to claim 17 above, in further view of Fujino.

63› Kito does not teach an apparatus wherein the parameter comprises at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source.

64> Fujino teaches a system wherein the parameter comprises at least one of attribute information indicating a display capability and processing capability of the request source which has generated the agent creation request, attribute information indicating communication capabilities between the request source and said gateway apparatus and between said gateway apparatus and the information transmission source which has generated the acquisition request, and predetermined preference information designated by a user of the request source (column 4, line 21 to column 5, line 38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

65> Claims 22, 24, 27 and 28 are rejected under 35 U.S.C 103(a) as being unpatentable over Kito, in view of Fujino.

66> As to claim 22, Kito teaches a client comprising:

a creation request unit for requesting creation of an agent for information acquisition (column 2, lines 33-34);

a notification unit for notifying of a parameter to be set in the agent created by said creation request unit (column 5, lines 32-42); and

an information acquisition unit for generating the information acquisition request by using the agent created in response to the request by said creation request unit on the basis of the parameter notified by said notification unit (column 4, lines 33-36 and column 5, lines 46-65).

Kito does not teach acquiring the requested information via a radio data communication network.

67› Fujino teaches a client that acquires information via a radio data communication network (Figure 1, items 11 and 13 and column 3, lines 28-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include radio communication capability in Kito when the client requires mobility such as a portable telephone.

68› As to claim 24, Kito does not teach a client wherein the parameter comprises at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capability with respect to the radio data communication network, and predetermined preference information designated by a user of said client.

69› Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capability with respect to the radio data

communication network, and predetermined preference information designated by a user of said client. (column 4, line 21 to column 5, line 38 and column 6, lines 27-38 and lines 51-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

70› As to claim 27, Kito discloses a communication method comprising:

reserving a predetermined storage area for an agent for information acquisition whose creation has been requested by a client (column 5, lines 31-42);

setting a parameter notified for the agent by the client in the reserved storage area (column 2, lines 33-34 and column 5, lines 21-42);

generating an acquisition request to a server storing various kinds of information, on the basis of the set parameter (column 2, lines 35-52 and column 6, lines 18-35);

extracting from the server information for which the acquisition request is generated (column 8, lines 9-31 and column 9, lines 8-14);

temporarily storing the transmitted information (column 10, lines 39-41); and

transferring the stored information to the client (column 9, lines 8-12).

Kito does disclose transmitting the extracted information to a gateway apparatus (Figure 13, items 230, 245) but does not disclose that the transmission is done over a radio data communication network.

71> Fujino teaches transmission of information via a radio data communication network (Figure 1, items 11 and 13 and column 3, lines 28-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include radio communication capability in Kito to increase the transmission capabilities of his network.

72> As to claim 28, Kito discloses a method further comprising at the client, requesting creation of the agent (column 5, lines 31-42).

73> Claim 23, 25 and 26 are rejected under 35 U.S.C 103(a) as being unpatentable over Kito and Fujino as applied to claim 22 above, in further view of Dattatri.

74> As to claim 23, Kito does not teach a client wherein the agent created by said creation request unit is stopped or the agent is responsive to an operation stop instruction for the agent to stop operation.

75> Dattatri teaches a client wherein the agent created by said creation request unit is stopped or the agent is responsive to an operation stop instruction for the agent to stop operation (column 8, lines 9-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include stop/delete capability for the client in Kito to increase the amount of control and access that the client has over the agent.

76› As to claim 25, Kito does not teach a client wherein the parameter comprises at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capability with respect to the data transmission network, and predetermined preference information designated by a user of said client.

77› Fujino teaches a system wherein the parameter includes at least one of attribute information indicating a display capability and processing capability of said client, attribute information indicating communication capability with respect to the data transmission network, and predetermined preference information designated by a user of said client (column 4, line 21 to column 5, line 38 and column 6, lines 27-38 and lines 51-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kito's parameter to indicate the capabilities of the client, as well as the capabilities between the client, the gateway apparatus and the server, so the gateway can tailor the information that it obtains from the server to the capabilities of the client, minimizing the amount of bandwidth wasted (column 4, lines 59-64).

78› As to claim 26, Kito does not disclose a client wherein the agent created by said creation request unit is responsive to a delete instruction for the agent, to be deleted.

79› Dattari discloses wherein the agent created by said creation request unit is responsive to a delete instruction for the agent to be deleted. (column 7, line 52 and 65 and column 8,

lines 9-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include agent deleting capability in Kito to allow the client unit to remove the agent from the gateway apparatus.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankòng whose telephone number is (571)272-3946. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC

Dung C. Dinh
Primary Examiner